GT 10-11-95

The final round

High court appears to be uneasy with Amendment 2

By **Jeff Thomas**
Gazette Telegraph

WASHINGTON — Colorado's controversial Amendment 2 did not appear to sit well with the Supreme Court justice thought to be the swing vote in determining its future.

Justice Anthony Kennedy's critical line of questioning to open Amendment 2's ultimate day in court Tuesday seemed to give considerable weight to the argument that the measure denies gays and lesbians a stake in the political process — the primary argument made by Amendment 2 opponents.

"I've never seen a case like this," Kennedy said, interrupting Colorado Solicitor General Tim Tymkovich, barely 20 seconds into his argument to reverse the Colorado Supreme Court's decision striking down Amendment 2.

"The classification (of lesbians and gay men) is only to fence out a group for all purposes," said Kennedy. "I've never seen that."

It can be foolhardy to predict the Supreme Court's eventual ruling based on questions asked or unasked during the rapid-fire oral arguments. But Kennedy's seeming discomfort with Amendment 2 was only one clue to the court's leanings in a case drawing nationwide attention.

In an hour of rambling questioning from the bench, the nine justices entirely avoided Colorado's central defense.

That led legal scholars to think that Amendment 2 may be in serious trouble.

Amendment 2, adopted by Colorado voters in 1992, would have changed Colorado's Constitution to forbid any arm of state government to protect gays and lesbians from discrimination based on sexual orientation. The state Supreme Court decided Amendment 2 unfairly singled out homosexuals, preventing them alone from seeking anti-discrimination legislation.

Until Amendment 2, Kennedy said, states provided anti-discrimination protection to a class of people to advance a goal, such as housing for the poor.

"Here, classification is adopted for its own sake," he said.

Kennedy is considered the justice to watch in this case. He occasionally aligns with con-

See **COURT**/A3

Associated Press

▲ **In Washington, Colorado Attorney General Gale Norton meets the press outside the Supreme Court building, where justices heard arguments Tuesday on Amendment 2.**

Bob Jackson/Gazette Telegraph

▶ **In Colorado Springs on Tuesday, Melinda Paras, at left, executive director of the National Gay and Lesbian Task Force, chats before a rally at Centennial Hall to draw attention to the importance of the case.**

ALSO

■ Each side had its pick of attorneys to argue case before Supreme Court/**A3**

■ Amendment 2 arguments give court watchers a chance to guess how chips may fall./**A3**

AMENDMENT TWO

2

WHAT'S NEXT

Now that they've read the legal briefs and have heard oral arguments on Amendment 2, the nine Supreme Court justices will formulate their own opinions about the case.

After reflection and legal research, the justices will try to find a consensus and produce an opinion that reflects the views of a majority. Individual justices, whether in the majority or minority, are free to write separate opinions that state their opinions as well.

Court decisions are kept secret until their official release, always on a Monday with no prior notice to the public or to the litigants.

A decision is not expected on Amendment 2 until near the end of the term in June.

least 48 hours after childbirth, the nation's largest group of pediatricians said Tuesday./**A7**

WORLD

▶ **BREATHING THREATENS PYRAMID:** Vapor from the breathing of 2 millions tourists a year has taken its toll on the 4,600-year-old Chephren pyramid outside Cairo, Egypt, drawing salts from its limestone blocks and weakening them./**A10**

CITY/REGION

▶ **WHISTLE-BLOWERS PROTECTED:** The Colorado Springs City Council passed a measure Tuesday making it illegal for city government bosses to retaliate against employees who point out wrongdoings./**B1**

STATE

▶ **GOOD SAMARITAN HAS SURGERY:** Jacquie Creazzo, the woman who tried to rescue a waitress who was later found murdered, was in good condition Tuesday after surgery to remove a bullet from her back./**B2**

[illegible] repeat itself. The Raiders have won 11 of the last 12 meetings./**C1**

BUSINESS

▶ **AFFORDABLE CITIES:** Binghamton, N.Y., was at the top of the National Association of Home Builders' Housing Opportunity Index during the April-June quarter. Colorado Springs ranked 127th in the survey, as 59.1 percent of the homes sold were affordable to a family earning the median income./**D1**

▶ **FROM SODA TO FUNDS:** Sophia Collier, who had enormous success in the 1980s with SoHo Natural Soda, has taken a new path in the 1990s — designing a money market fund./**D6**

LIFESTYLE

▶ **NEW CROP OF CALENDARS:** Damp damsels in swimsuits will be aplenty on next year's calendars. But it appears that for 1996, the beefcake is also plentiful. Sports Illustrated is serving up Men in Sports, with basketball babe David Robinson on the cover./**F1**

Associated Press

Heavy damage

A car is pinned by a fallen awning at the state-owned Petroleros Mexicanos gas station Tuesday in Ciuhatlan, Mexico, just north of the resort city of Manzanillo. A 7.6-magnitude earthquake rocked the Pacific coast of Mexico on Monday, killing at least 48 people. WORLD/**A11**

Custody battle

Christie Brinkley, who announced in July that she was leaving her new husband, asked a New York court Tuesday to give her sole custody of their 4-month-old son. The model said in court papers that her husband, Colorado real estate developer **Richard Taubman** of Telluride, had barely seen their son since he was born June 2. Duck Guttman, a spokesman for Taubman, said the developer had tried to see his son in New York but Brinkley prevented him from doing so.

Banged up

Psychologist **Joyce Brothers** wanted an authentic Alaska experience and she got one — suffering a broken nose, chipped teeth and a concussion in a fall during a sled-dog ride in the Eagle River-Chugiak area. The 66-year-old columnist and TV host was treated at an Anchorage hospital and left town Sunday, canceling a lecture Tuesday at the Alaska Center for the Performing Arts. Brothers was with her 9-year-old granddaughter, who wasn't injured.

Back in the hospital

Elizabeth Taylor had surgery on her replaced left hip to make her legs the same length. Taylor's legs had been different lengths after having both hips replaced in the past two years, Los Angeles surgeon Dr. John Moreland said after Monday's surgery. The 63-year-old actress was expected to return home from Century City Hospital in about five days.

Real-life award

"Home Improvement" star **Tim Allen** can't break away from the

Mary Tyler confessor to her coming tress says sh booze in her "During 'The Show,' I was Moore says. amount I dra somebody else would make su really loose or speech unless adds that she vodka martini pain of not hav port as a kid.

Couples

Emma Thomp breakup of her to **Kenneth Bra** covered actor reportedly had agh's womaniz said to be jeal film opportuni **Cox**, 31, of TV ended her five tionship with and taken on He's getting o split with long **Huang**.

Gazette Telegra

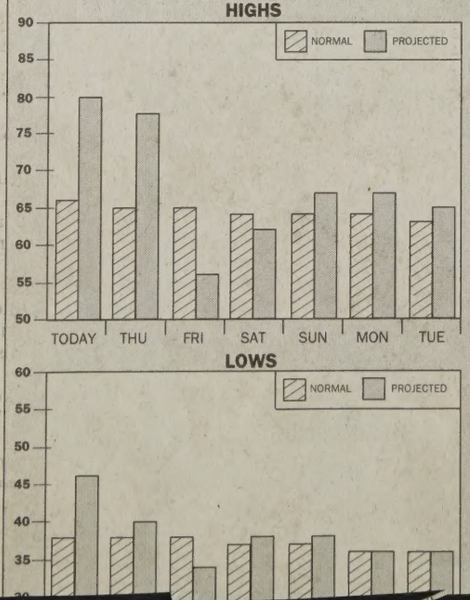
Moore
Admits drinking heavily earlier in her career.

WEATHER

LOCAL FORECAST

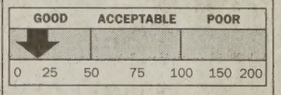
Today: A sunny sky and near-record warmth. High 80.
Tonight: Clear and comfortable. Low 46.
Thursday: Mostly sunny, windy and warm. High 78, low 40.
Friday: Clouds and sun; windy, much cooler, it may shower. High 56, low 34.
Saturday: Partly sunny; not as cool in the afternoon. High 62, low 38.
Sunday: Sunny to partly cloudy and breezy. High 67, low 38.

7-DAY TRENDS



STATISTICS

AIR QUALITY
(3 p.m. TUE. OCT. 10)



OZONE - 18
CARBON MONOXIDE - 18

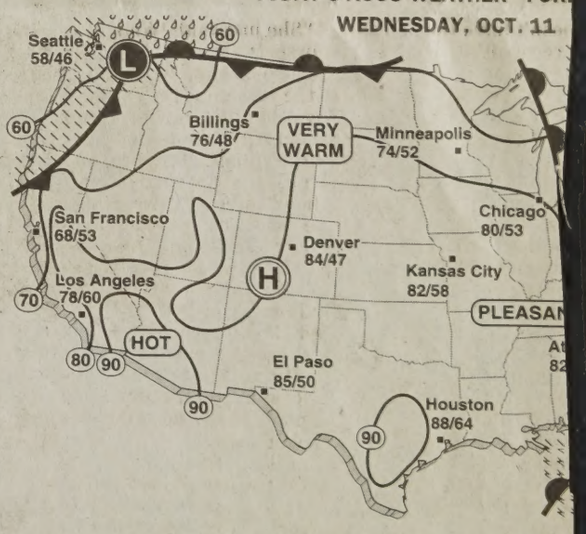
24-HOUR

Time	Temp.	Wind	Humid.
Monday			
6 p.m.	59	SW 5	25
7 p.m.	56	E 3	31
8 p.m.	49	SE 8	35
9 p.m.	52	SE 6	25
10 p.m.	49	SE 3	30
11 p.m.	45	SE 6	38
Tuesday			
Midn.	43	E 9	41
1 a.m.	46	SE 8	35
2 a.m.	43	0	46
3 a.m.	40	NE 7	52
4 a.m.	39	NE 8	54
5 a.m.	36	N 8	61
6 a.m.	38	NE 7	56
7 a.m.	39	N 7	50
8 a.m.	45	N 9	39
9 a.m.	58	N 3	26
10 a.m.	65	NW 7	17
11 a.m.	65	SW 3	17
Noon	67	S 8	15
1 p.m.	69	NE 6	14
2 p.m.	70	SW 8	13
3 p.m.	71	SE 8	14
4 p.m.	71	SE 7	13
5 p.m.	71	SE 7	14

PRECIPITATION

24 hours to 6 p.m. yesterday	0.00"
Total for month to date	0.02"
Normal for month	

TODAY'S ACCU WEATHER® FORE
WEDNESDAY, OCT. 11



Shown are noon positions of weather systems and precipitation for the day. Forecast high/low temperatures are given

© AccuWeather, Inc.

NATION

City	Yest.	Today	Thurs.	Fri.
Albany, NY	68 36 c	69 46 s	71 43 s	67 44 pc
Albq., NM	80 47 s	80 51 s	83 46 s	70 40 s
Amarillo, TX	76 47 pc	83 51 s	90 47 s	65 35 pc
Anchorage, AK	50 40 pc	44 38 pc	44 32 pc	44 29 pc
Asheville, NC	76 47 s	79 47 s	76 47 s	71 50 pc
Atlanta, GA	77 57 pc	82 62 s	80 57 pc	71 58 pc
Atl. City, NJ	69 44 pc	76 47 s	78 45 s	70 45 s
Austin, TX	88 57 s	92 67 s	89 60 s	80 58 pc
Baltimore, MD	74 50 pc	78 50 s	77 47 s	72 49 s
Bangor, ME	62 49 pc	64 47 c	68 39 pc	59 43 pc

LEGEND: s-sunny, pc-partly cloudy, c-clou sh-showers, t-thunderstorms, r-rain, sf-sno flurries, sn-snow, i-ice.

City	Yest.	Today	Thurs.
Jackson, MS	82 51 s	87 61 s	86 59 sh
Jacksonville, FL	77 70 sh	79 68 sh	82 66 c
Kansas City, MO	81 52 s	82 58 s	86 54 s
Las Vegas, NV	89 56 s	86 64 s	89 56 s
Little Rock, AR	85 55 pc	88 58 s	85 53 s

SUPREME COURT

Court/Questions surprise experts

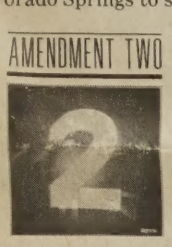
Amendment 2's opponents begin to sense victory

More than 300 people turn out for Centennial Hall 'justice' rally

By **Dennis Huspeni**/Gazette Telegraph

All but declaring an early victory, some of the most vocal opponents of Colorado's Amendment 2 gathered in a "rally for justice" Tuesday night.

More than 300 people packed Centennial Hall in Colorado Springs to sing, applaud and listen to a battle cry from the executive director of the National Gay and Lesbian Task Force, Melinda Paras.



"You are the center of gravity," Paras said. "This is the front lines for a real battle for justice and truth. . . . As far as I'm concerned, we've already won this case."

Paras spoke of the Amendment 2 case, in which oral arguments were made Tuesday before the U.S. Supreme Court.

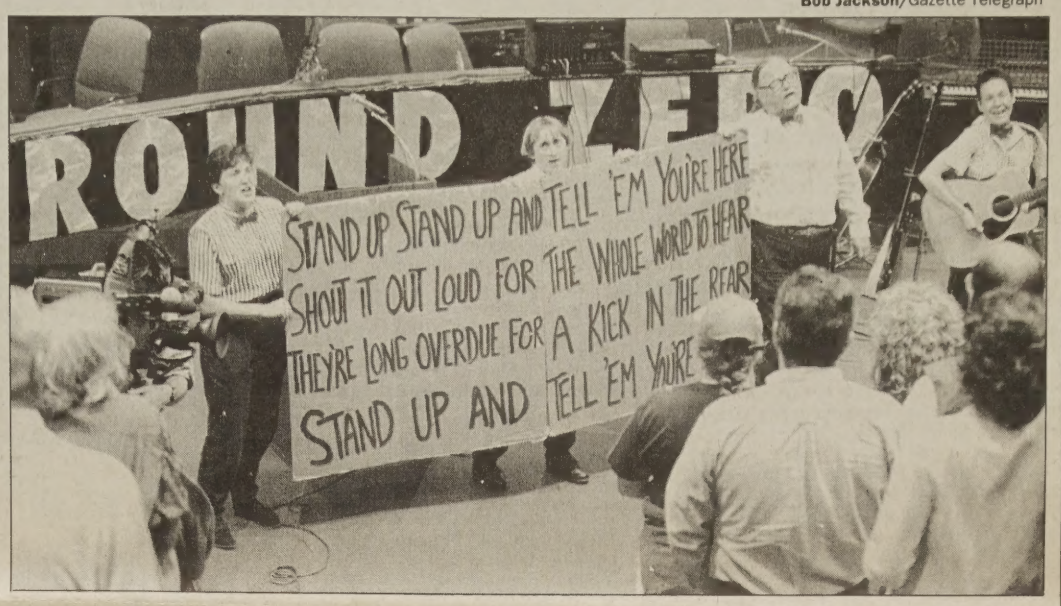
"The Supreme Court has to rule this as unconstitutional," said Frank Whitworth, executive director of Ground Zero. "It sets apart a group of people and defines how they can be discriminated against."

The rally was organized by Ground Zero, a gay and lesbian rights organization based in Colorado Springs.

Whitworth criticized Colorado Attorney General Gale Norton for appealing the case to the U.S. Supreme Court.

"She's using this as a launch pad for her bid to be a U.S. senator. But that bid will fail, too, because the people of Colorado will see who Gale Norton really is," he said.

Bob Jackson/Gazette Telegraph


ROUND ZE
STAND UP STAND UP AND TELL 'EM YOU'RE HERE
SHOUT IT OUT LOUD FOR THE WHOLE WORLD TO HEAR
THEY'RE LONG OVERDUE FOR A KICK IN THE REAR
STAND UP AND TELL 'EM YOU'RE

First Strike Theater sings at an anti-Amendment 2 rally Tuesday night at Centennial Hall. Colorado Springs was described as "the center of gravity" in the fight for gay rights.

Paras said religious-right groups who back Amendment 2 use it to get money and political support to fight on other issues, such as welfare reform.

"You were used by people with a broader political agenda," Paras said.

She charged that groups like Colorado for Family Values, the author of Amendment 2, are shifting the political battles to the school board level.

"This is the place where normally fair-minded people lose it: when the question of gay people and children come up," Paras said. "But that's all they can hold on to. . . . No other forum is effective for them anymore."

Paras said "most people understand that this issue is about fair treatment, not special treatment, and most American people are fair-minded and will support us."

If Amendment 2 opponents lose their battle to have the law struck down, Paras said a boycott won't be organized.

"I'd like to come back to Colorado Springs with about 400,000 or 500,000 of my friends," she said.

"You're not just on the front lines and fighting for rights for gay and lesbian people, you're on the front lines against bigotry, hostility, hatred and anger. Colorado, this city and state, is on the minds of every gay person in the country today."

Opposing sides are confident their attorneys are top-notch

By **Angela Dire**
Gazette Telegraph

Both defenders and challengers of Amendment 2 had their pick of superstars to send to the Super Bowl of legal contests — oral arguments before the Supreme Court.

State attorneys defending the law count among their backers Robert Bork, the conservative legal scholar whose controversial views derailed his nomination to the court in 1987, and Rex Lee, a former Reagan administration solicitor general.

Meanwhile, Amendment 2's challengers have a direct line to Laurence Tribe, the acclaimed Harvard Law School professor who argued the last major gay rights case before the court.

But when the nine justices convened Tuesday, it was two respected Colorado attorneys fielding their questions about Romer vs. Evans — for the challengers, former Colorado Supreme Court Justice Jean Dubofsky; for the state, Solicitor General Tim Tymkovich.

Colorado Attorney General Gale Norton said she didn't think twice about tapping Tymkovich. Time constraints, she said, wouldn't allow her to argue the case personally. And Norton hesitated to go outside for help. She's convinced the justices prefer hearing from attorneys who live in the state they're representing and are familiar with the intricacies of a case.

"Tim Tymkovich is on par with any attorney who could have argued this case," Norton said. "He doesn't have the national name recognition, but he does have the talent."

Tymkovich, 37, was raised in the Denver area and graduated from Colorado College with a bachelor's degree in political science. He earned his law degree from the University of Colorado, then worked as a law clerk for Colorado Supreme Court Justice William Erickson — who years later cast the lone vote to uphold Amendment 2.

After six years in a Washington law firm, where he represented large companies such as United Airlines and General Motors, Tymkovich returned to Colorado to work for Bradley, Campbell, Carney & Madsen.

"He's very deep," said Leo Bradley, senior partner of that firm. "He's a lawyer's lawyer, hard-working guy — not a blue blood. He came from a working family."

He represented the state before the Supreme Court last year in a multistate water dispute, but he's never handled a case quite like Amendment 2.

Dubofsky accepted the case with an enthusiasm that Denver gay rights activists won't soon forget. At first, they weren't sure she'd be willing to take on as touchy a subject as Amendment 2.

"She just said, 'Well, of course. It's wrong,' " recalls Richard Evans, the lead plaintiff in the lawsuit. "I wouldn't want any other attorney representing me before the Supreme Court."

A graduate of Stanford University and Harvard Law School, Dubofsky was a legislative assistant to then-Sen. Walter Mondale of Minnesota. But after two years in Washington, she and her family moved to Boulder. As an attorney for Colorado Rural Legal Services, Dubofsky won a battle in the 10th U.S. Circuit Court for free or below-cost hospital services for the poor. She worked as second-in-command of the Attorney General's Office before becoming the first woman to serve on the Colorado Supreme Court.

From 1979 to 1987, Dubofsky wrote hundreds of opinions for the court, including a landmark one that said water couldn't be pumped out of the San Luis Valley without first considering "the general public interest."

Dubofsky, now 53, operates a solo legal practice in Boulder.

WHAT THEY'RE SAYING ABOUT AMENDMENT 2

"Here the classification (of lesbians and gay men) is only to fence out a group for all purposes. I've never seen that."

Justice Anthony Kennedy

"Thou shalt not have access to the ordinary legislative process for anything that will improve the status of homosexuals. I would like to know whether in all of U.S. history there has ever been anything like this."

Justice Ruth Bader Ginsburg

"Why is discrimination against one group dealt with under state law differently than discrimination against other groups? It isn't enough to say that's what politics decided."

Justice David Souter

"(Anti-bias laws) provide special protection to that particular category of person that they don't provide to the public at large. You can refuse to hire someone because you don't like the way they comb their hair."

Justice Antonin Scalia

"What is the rational basis for the people outside of Aspen telling the people in Aspen they cannot have this nondiscrimination provision?"

Justice John Paul Stevens

"Our position has been that Amendment 2 preserves the status quo, that it allows the people of Colorado as a whole to make the decision about the issue of sexual orientation, and the justices, through their questioning, saw that issue as being one of the primary concerns."

Colorado Attorney General Gale Norton

"The court seems to understand very well that Amendment 2 is unprecedented. Never before in American history has a state tried to set up two sets of rules for how legislation gets made and single one group out for special rules."

Matt Coles,
director of the American Civil Liberties Union's Lesbian and Gay Rights Project

INSIDE THE COURT

Dominated by Republican appointees, the high court has turned dramatically more conservative in recent years. But the court's staunchest conservatives — Chief Justice William Rehnquist and Justices Clarence Thomas and Antonin Scalia — often depend on more moderate Justices Anthony Kennedy and Sandra Day O'Connor to form a majority. As they have on many issues from affirmative action to term limits, Kennedy and O'Connor could hold the key votes on Amendment 2. Here's how legal scholars view the court:

Rehnquist

Scalia

Thomas

THE HARD-LINE CONSERVATIVES

Rehnquist, Scalia and Thomas were the building blocks for court decisions curtailing affirmative action and the federal government's power to regulate the states.

Rehnquist also voted with the majority in Bowers vs. Hardwick, the court's 1986 decision that private, homosexual sodomy between consenting adults is not protected by the Constitution.

Scalia reportedly said in a speech to University of Colorado law students that he believes homosexuals have no more constitutional basis for protection from discrimination than do any other Americans.

Thomas, before joining the court, often argued against laws and government programs he considers to be heavy-handed remedies to racial discrimination, such as affirmative action or forced school busing.

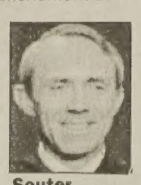
Given their underlying philosophies, the conservative bloc is considered all but certain to see Amendment 2 as a states' rights issue and vote to uphold it.

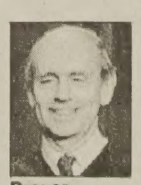
Kennedy

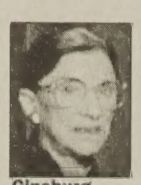
O'Connor

THE 'SWING' VOTES

Kennedy is considered the justice to watch. Though he often joins the hard-line conservatives, last term he voted to strike down term limits on members of Congress, an indication that he's willing to limit states' rights on some issues. As for gays, Kennedy upheld the military's ban as an appeals judge for the 9th Circuit. But he did so with reticence, suggesting that "some kinds of government regulation of private, consensual homosexual behavior may face substantial constitutional challenge." His partner in the middle, O'Connor, is a staunch states' rights advocate; she voted with the majority in the sodomy case. But she has taken moderate positions on issues involving abortion, and racial and gender discrimination. She could take the same stance with Amendment 2.


Souter


Breyer


Ginsburg

Stevens

THE LIBERAL-TO-MODERATE WING

Some court watchers say the last true liberal on the court was the late Thurgood Marshall, who retired in 1991. What remains is a liberal-to-moderate wing consisting of Justices David Souter, Steven Breyer, Ruth Bader Ginsberg and John Paul Stevens.

Stevens is considered an opponent of Amendment 2 because he voted to strike down the sodomy law and suggested that it violated the equal-protection clause of the 14th Amendment because it had been enforced against gays but not heterosexuals.

The others are far from predictable. The two appointed by President Clinton, Breyer and Ginsberg, have tended to vote on the liberal side of issues. Ginsberg, then a lawyer active in the women's movement, once persuaded the court to apply a higher-than-usual standard of judicial review to laws that discriminate on the basis of gender.

Souter, as a New Hampshire Superior Court justice, agreed that gays could be barred from becoming foster parents.

Nevertheless, gay rights activists read a sympathetic tone in Souter's decision: He suggested homosexuality is an "orientation," rather than a behavior, and said anti-discrimination laws are "generally constitutional when there's reason to believe a given group is a target of discrimination."

Gazette Telegraph

From A1

servatives but has been considered sympathetic to homosexuals in previous cases. Along with Sandra Day O'Connor, the court's conservative wing almost certainly will need Kennedy to uphold Amendment 2.

While opponents of Amendment 2 took comfort in Kennedy's questions, Colorado Attorney General Gale Norton urged caution.

"Clearly, he (Kennedy) was probing the issue from the perspective of the plaintiff's argument," Norton said. "But that's what happens in these kinds of hearings in front of the court. You can't always tell . . ."

Indeed, the line of questions surprised many in the packed gallery. They had expected the court to delve into the complex, arcane realm of equal-protection theory, the foundation upon which both sides in the Amendment 2 case had built their arguments. At the heart that dense thicket is the ultimate question: Does Amendment 2 deny gays the fundamental right of political participation, and therefore should it be held to the most rigorous judicial scrutiny? The amendment's challengers say yes; the state says no.

Hardly a word about it was heard from the bench. Instead, Justices O'Connor, Ruth Bader Ginsburg, Steven Breyer and John Paul Stevens peppered Tymkovich with questions about whether Amendment 2 would allow innkeepers to deny lodging, libraries to deny books, hospitals to deny treatment, or police to withhold protection from gays and lesbians.

Tymkovich responded that the federal Constitution's guarantee of equal protection prohibits irrational application of the measure. Amendment 2, he said, merely prevents governments from going beyond it on behalf of gays and lesbians.

But the court's line of questioning pleased Jean Dubofsky, the former Colorado Supreme Court justice who represented challengers of Amendment 2.

"Both the amendment's selectivity and its breadth ought to defeat (it)," she said. "The court's questions were directed primarily to that. I'm hoping we'll be successful, because that's what the court was focusing on, and that was our strong suit."

But it left defenders of Amendment 2 exasperated.

"We spent an hour discussing whether the Earth was flat," said Melissa Wells-Petry, a lawyer who submitted a friend-of-the-court brief supporting Amendment 2 on behalf of the Family Research Council, a political spinoff of Colorado Springs-based Focus on the Family. "I did not hear anything about . . . the impact on self-government; the question of how you limit the number of identifiable groups; the question of whether every time you have a vote on something, a group can go into court and knock it out."

The justices did address democracy: Stevens asked Tymkovich what right voters statewide have to deny Aspen its anti-discrimination law.

"People generally would like to have rules set by the state," Tymkovich replied.

Justice David Souter jumped in, arguing that Tymkovich was arguing that Amendment 2 satisfies the constitutional mandate of due process, not applying the mandate of equal application of laws.

"That's not the question being asked here," Souter said. "The question here is: Why is discrimination against one group handled differently than with another group? It seems to me it has to do with classification, not political choice."

But Justice Antonin Scalia also challenged Dubofsky to demonstrate why an anti-discrimination law is not a special benefit to gays and lesbians.

Scalia theorized that someone biased against Italian-Americans might refuse to rent him a room.

"That's my tough luck," Scalia said, "unless there's a law against it. Why isn't that (law) special protection?"

Because they apply to everyone, Dubofsky replied.

Scalia also brought up a 1986 case in which the Supreme Court found that gays have no fundamental right to engage in sodomy. If a state can constitutionally criminalize sodomy, he said, how can Amendment 2 be unconstitutional?

The question turns on whether the state is restricting homosexuals on the basis of their behavior or on the basis of their orientation, Dubofsky replied. Amendment 2 addresses sexual orientation.

INSIDE WASHINGTON

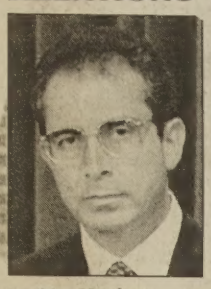
Visit offers chance to proclaim success of Mexico policy

By **Frank James**/Chicago Tribune

President Clinton on Tuesday welcomed Mexican President Ernesto Zedillo to the White House and showcased what he considers a major, if unfinished, foreign policy success: the administration's $12.5 billion bailout of the Mexican economy.

At each other's side through much of the day, the leaders sought to underscore the importance of the ties between North America's most populous nations in a clear attempt to counter isolationist and anti-immigrant strains in current U.S. public debate.

FOREIGN RELATIONS



Zedillo: Mexican leader starts three-day visit at the top.

The summit also gave the presidents a chance to talk over subjects where the nations find the links the strongest — the North American Free Trade Agreement, the war on drug trafficking and immigration.

Clinton addressed Zedillo with words also meant for U.S. consumption during a ceremony on the South Lawn:

"We know we share a stake in your success. That is why when Mexico fell into financial crisis the U.S answered with action."

Zedillo's tough economic measures — including higher taxes and having the Mexican central bank keep a tight rein on the nation's money supply — have hurt many Mexican families who in turn blame Zedillo for their troubles. In the first few weeks of his presidency last December, the value of the Mexican peso collapsed sharply after international investors lost confidence in Mexico. Short of money to repay its debts, Mexico urgently needed help.

The Clinton administration, despite critics in Congress and elsewhere who warned that the money might not be repaid, loaned Mexico $12.5 billion out of Treasury Department funds. Last week, the Zedillo government said it would make an early repayment of $700 million of that loan. The Clinton administration has said that's proof its gamble is paying off.

But critics of the loan package found little to cheer about.

"It's just a shell game," said Ian Vasquez, a global finance analyst at the Cato Institute, a libertarian think tank in Washington. The Mexicans "used borrowed money to pay back money that they borrowed," Vasquez said Tuesday.

The summit meeting also gave the two presidents an opportunity to jointly praise NAFTA. Critics have said the pact has so far failed to create a sufficient number of jobs on either side of the border. "NAFTA is a reality, and it is yielding impressive results," said Zedillo. "Even in this difficult year, Mexico now purchases nearly four times more goods and services from the U.S. than it did 10 years ago."

ON THE HILL

Fee guarantee wins AMA backing for Medicare bill: After gaining a lucrative concession from House Speaker Newt Gingrich, the American Medical Association gave its blessing Tuesday to House legislation intended to squeeze $270 billion from Medicare over seven years.

The bill offers the hope of "true reform" of the Medicare system, said Dr. Lonnie Bristow, AMA president.

The AMA endorsement came after Gingrich, R-Ga., agreed to change the measure to spare doctors the threat of a decline in Medicare fees from one year to the next. Republican officials placed the cost of the change in the first year at $300 million but declined to say how they would make up the difference.

The House measure currently is making its way through the Ways and Means Committee. Tuesday, the panel swatted aside every Democratic attempt to amend the bill.

Votes on slightly different versions of the bill are expected in the House and Senate within two weeks.

Cost-of-living increase for disabled veterans OK'd: Veterans receiving disability compensation would get a cost-of-living increase Dec. 1 under a bill the House approved by voice vote Tuesday. The bill now goes to the Senate.

The increase would be at the same rate as that paid Social Security recipients. It would go to disabled veterans and disabled veterans' survivors currently receiving benefits.

WHITE HOUSE

Clinton threatens to bypass Congress on welfare: President Clinton is threatening to end the current welfare system by himself, one state at a time, if Congress refuses to write bipartisan legislation to transform the nation's anti-poverty programs.

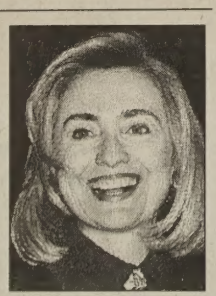
In a letter to lawmakers, released Tuesday, Clinton said: "If Congress . . . sends me a bill that is weak on work and tough on children, it will kill welfare reform, and I will be forced to continue to end welfare through the waiver process, one state at a time, until Congress gets it right."

The Clinton administration has given 35 states waivers from federal rules to experiment with changes in their welfare programs.

The House passed its version of welfare reform in March; the Senate followed suit in September.

ALSO . . .

■ **Hillary Rodham Clinton** will begin a five-day trip to Latin America on Thursday. While in Brazil, Chile, Nicaragua and Paraguay, she will assess efforts to eliminate poverty and improve social services.



Hillary Clinton: First lady is headed for Latin America.

■ **Donald "Buz" Lukens**, a former Republican House member from Ohio, went on trial for bribery Tuesday in Washington. Lukens, 64, resigned in disgrace five years ago after a sex scandal. He is accused of taking money in exchange for congressional influence during his final months in office.

■ **President Clinton** announced Tuesday a public-private partnership to pump more than $300 million of computer equipment and training into schools during the next five years. His goal: to connect every classroom in the United States to the information highway by 2000.

QUOTABLE

"The idea of the secretary of labor not having a job is just funny."

House Speaker Newt Gingrich

Gingrich said he was joking when he threatened Tuesday to eliminate Labor Secretary Robert Reich's job unless President Clinton compromises with Republicans on spending bills for fiscal year 1996.

Gazette Telegraph news services

NATION

FBI seeks clues to saboteur

'Sons of Gestapo' remains a mystery

Associated Press

HYDER, Ariz. — FBI agents hunting the saboteur who derailed an Amtrak train worked Tuesday to determine whether the "Sons of Gestapo" is really an anti-government terrorist group or just someone with a grudge against the railroad.

Fifty-five miles away in downtown Phoenix, authorities found a device capable of derailing a train placed on a track. The FBI refused to discount the possibility it was a second sabotage attempt.

GT OnLine

More coverage on GT OnLine, available free on Internet's World Wide Web:

URL: **http://usa.net/gazette**

The FBI expanded its painstaking search for evidence to a mile-square area surrounding the gulch where the Sunset Limited lurched off a damaged track. The FBI also asked the public for help finding the culprit.

The train jumped the tracks at the damaged section early Monday, toppling 30 feet from a bridge, killing a crew member and injuring at least 78 people.

A letter found at the scene mentioned federal raids on right-wing extremists at Waco, Texas, and Ruby Ridge, Idaho. It was signed "Sons of Gestapo," raising fears the sabotage was the work of anti-government extremists.

There apparently are several versions of the letter, said Gov. Fife Symington, who said he has read one version. He wouldn't talk about what it said, except to say he was told there were multiple versions that were "comparable in terms of content."

FBI officials held a brief news conference six miles from the scene Tuesday but offered little insight into the investigation, refusing to comment about the letter.

With about 90 agents on the scene, Larry McCormick, acting special agent in charge of the Phoenix office, said he believed it was the bureau's second-biggest crime scene investigation after the Oklahoma City bombing.

Acting on a tip from a trucker who heard a noise and saw two men acting suspiciously around a Southern Pacific track in downtown Phoenix, police Tuesday recovered a device used in rail yards that can derail a train.

The so-called derailer — two heavy pieces of metal with a hinge between — is normally used to get trains back on the rails, but could have caused a derailment if a train had come by, said Mike Furtney, spokesman for Southern Pacific Railroad in San Francisco.

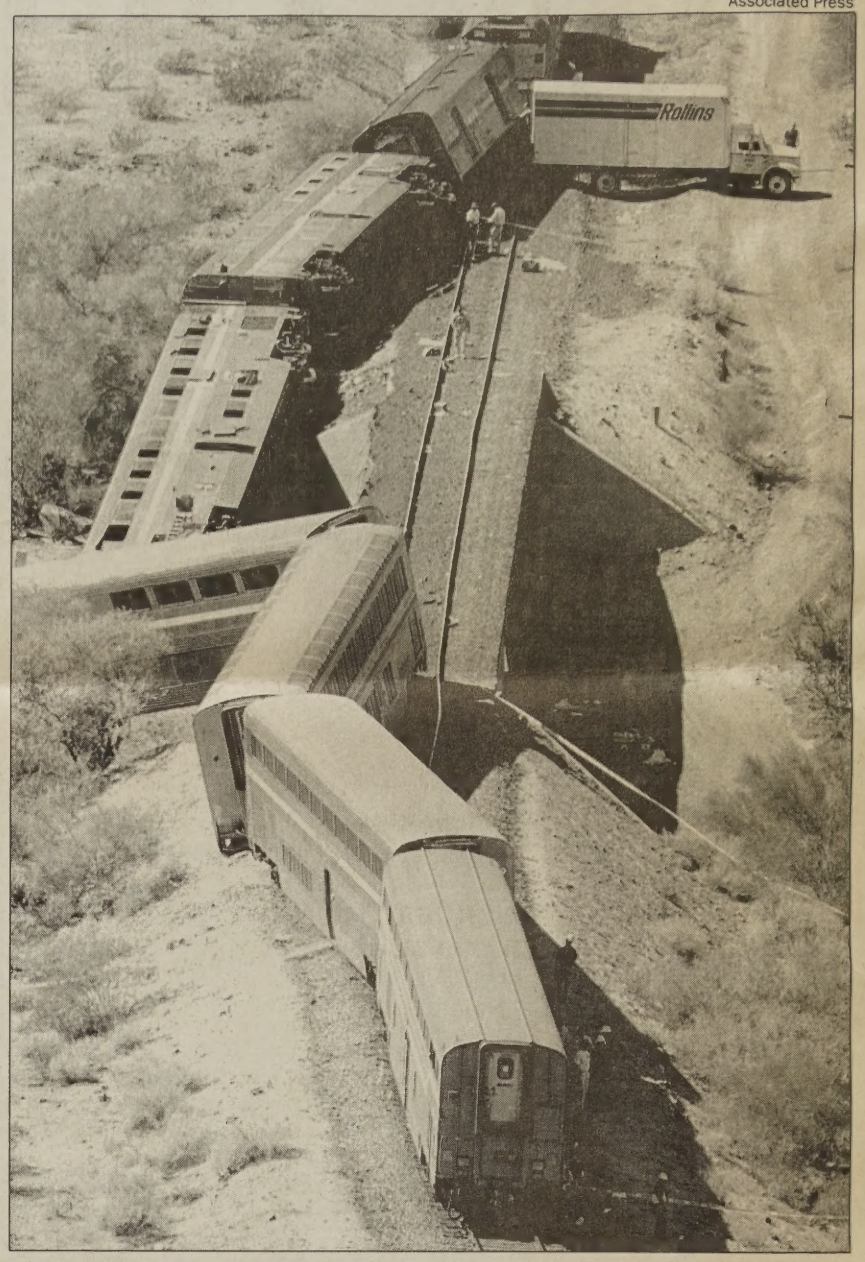
The FBI was looking into the matter and wouldn't rule out the possibility that it was related to the derailment, said agent Al Davidson.

However, he noted that the derailer is a standard piece of railroad equipment, while the derailment was caused by sabotaging rails; the derailer was on a line used by freight rather than passenger trains; and "copycats come out of the woodwork when things like this happen."

No group called Sons of Gestapo is known to experts at Klanwatch, which tracks hate groups for the Southern Poverty Law Center in Montgomery, Ala. And an extensive search of news archives turned up no reference to the group.

At a news conference Monday, Amtrak President Thomas Downs said, "I don't know if this is a disgruntled employee of ours or another railroad, or someone else. Someone did know enough about the railroad to wire this."

Associated Press



Federal investigators search for evidence Tuesday at the scene of the Amtrak derailment in the Arizona desert. The FBI had 90 agents in the area.

Clinton sounds alarm over racial gulf

News services

WASHINGTON — President Clinton expressed surprise Tuesday at the sharp division between blacks and whites over O.J. Simpson's acquittal and said he is deeply concerned "that we are still polarized in some ways."

"I do think we need to work on it," the president said, "because we don't have a stake in drifting apart."

Clinton may address the need for racial harmony in a speech Monday in Austin, Texas, aides said.

The length of his response to a question at a press conference Tuesday with Mexican President Ernesto Zedillo about the racial tension in America in the wake of the Simpson trial was a clear indication that the issue is likely to figure prominently in the coming presidential campaign.

Clinton often is abrupt with his answers to domestic questions at events with foreign leaders, telling his aides such issues are embarrassing to those leaders. But he took pains Tuesday to say how concerned he is by the polarizing effect that Simpson's acquittal has had.

So far all the national polls show that black Americans overwhelmingly think the Los Angeles jury was correct to acquit Simpson on charges of murdering Nicole Brown Simpson and Ronald Goldman on grounds of reasonable doubt while a large majority of whites think the evidence was there for a conviction.

Clinton said he's been thinking about the subject a lot in recent days. "The whole issue of reconciling races in America has been a passion of my life," he said.

"I think what has struck all Americans in the aftermath of the trial is the apparent differences of perception of the same set of facts based on the race of American citizens," Clinton said.

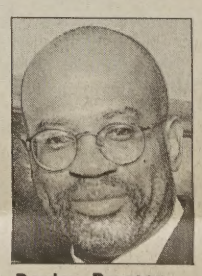
"I must say, even I — I thought I knew a lot about how people of different races viewed things in America, but I have been surprised by the depth of the divergence in so many areas, and I do think we need to work on it."

Clinton said that blacks and whites can have differences "but at least we ought to be able to look at facts and reach some common judgment more frequently than apparently we're able to today."

Darden agrees: 'Race is a part of everything'

Associated Press

LOS ANGELES — O.J. Simpson prosecutor Christopher Darden signed with a book agent Tuesday, saying that defense attorney Johnnie Cochran was probably right on the race issue — and now he wants to speak his mind, too.



Darden: Prosecutor signs with book agent.

"It's like Mr. Johnnie said, race is a part of everything," Darden said. "My race apparently preceded everything I have done. There was Christopher Darden, but first there was an African-American man who happened to be named Christopher Darden."

Darden signed a contract with The William Morris Agency, which is also representing prosecutor Marcia Clark for prospective book and movie deals.

Also Tuesday, the jury forewoman and two other jurors signed for an undisclosed amount with Dove Audio, which has already published four books related to the case.

Darden said he hopes his book will clarify the role race played in the murder trial. "We got the verdict we got," he said. "I need time to step back and reflect on what occurred. I'm too close to it right now."

Darden and Cochran, who also is black, clashed often during the trial. Cochran suggested Darden had been assigned to the case merely because of the predominantly black jury.

Poll: Most Americans think public schools fixable

Associated Press

WASHINGTON — Large numbers of Americans think private schools are better than public schools at keeping order and pushing high academic standards, a poll shows. More than half of parents with children in public schools said they would send their children to private schools if they could afford it.

But the poll also found most American adults still believe public schools can be fixed and would rather work at fixing them than try alternatives.

"There is not support to dismantle public education," said Deborah Wadsworth, director of the nonpartisan polling group Public Agenda. "But support for public schools is very fragile.

"The public believes the schools are not delivering on the thing they view as most important — making sure that all kids have mastered the basics before they graduate," Wadsworth said of the findings released Tuesday.

Asked what they would favor, if schools in their area had failed to give children a quality education for more than a decade, the poll found:

■ 48 percent supported fixing the public schools — 28 percent by overhauling them, 20 percent by providing more money.

■ 28 percent supported giving parents tax money, or vouchers, to pay for private schools, a main goal of Christian conservatives.

■ 10 percent supported letting private companies run public schools.

■ 6 percent supported having state government take over public schools, and the rest were not sure.

Although 38 percent favored vouchers or privatization, those surveyed showed little familiarity with the details of such alternatives despite intense debates in Wisconsin, Ohio, Connecticut and California.

Nevertheless, Chester Finn Jr. of the conservative Hudson Institute was encouraged. "We're up to 38 percent in favor of, essentially, nongovernmental alternatives. That's pretty interesting," said Finn.

The May telephone survey of 1,200 adults had a margin of error of plus or minus 3.4 percent.

Of those surveyed, 439 had children in public school, and 57 percent of them said they would switch their children to private school if they could afford to do so. That question had a 5 percent margin of error.

Asked to compare private and public schools, 61 percent of all those surveyed said private schools were better at keeping order and discipline in the classroom, and 53 percent said private schools push high academic expectations.